

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

Please cancel claims 2 – 4, 6, 7, 9, 11.

Please amend claims 1, 5, 8, 10, 12 – 14 as indicated.

**Listing of Claims:**

1. (currently amended) A method, designated as a “soaker application” and operating in a system using multiple applications, for locating applications that are over-consuming memory resources to the detriment of other applications sharing these memory resources, comprising the steps of:

(a) using said soaker application to consume a pre-determined amount of memory at a pre-determined rate[[:]]and including the steps of:

(a1) setting a rate of memory consumption according to a selected choice of low, medium, high, or super high levels of memory consumption in shared memory resources;

(a2) selecting a time interval within which said selected rate of memory consumption will operate;

(a3) utilizing an MPEG digital stream of data from a movie as a source of data to be consumed by said memory resources;

(b) setting a memory threshold value to memory consumption[[:]]including the step of:

(b1) initiating a failover action when said memory threshold is reached so that processing is shifted to another node in said system.

2. (canceled)

3. (canceled)

4. (canceled)

5. (currently amended) In a cluster load balancer network, a system for determining the moment of failover from a stalled node to another operating node comprising:

(a) means to utilize a soaker application to feed digital input data to memory resources shared by a multiple number of operating applications, said means including:

(a1) means to select the rate of memory consumption per a selected unit time[[:]] according to the selective choice of the user, including the steps of:

(a1a) means to supply a digital data stream, from a digital movie in MPEG format, for digital data input to said shared memory resources; wherein said means (a1a) to supply digital data includes:

(a1a1) selection means for choosing loading speed rates of low, medium, high, or super speed rates per second;

(a1b) means to pause (stall) said digital input to said shared memory resources;

(a1c) means to record and hold the frame number of said digital movie at the point of closure during stall or stoppage;

(a1d) means to resume said digital data input stream from the exact frame on which it had been paused (stopped, stalled);

(a2) means to recognize a threshold value of memory loading which matches the limitations of the shared memory resources;

(a3) means to initiate a failover of processing operations to an auxiliary node of processors[[:]] when a stalled mode occurs.

6. (canceled)

7. (canceled)

8. (currently amended) The system of claim [[7]] 5 wherein said selection means ~~(a1ab)~~ (a1a1) includes choice of rates of:

- (i) 3000 bytes/second;
- (ii) 100,000 bytes/second;
- (iii) 5 million bytes/second;
- (iv) 10 million bytes/second;
- (v) 50 million bytes/second.

9. (canceled)

10. (currently amended) The system of claim [[6]] 5 wherein said means (a1b) includes:

~~(6a1ba)~~ (a1ba) means to close down said soaker application.

11. (canceled)

12. (currently amended) The system of claim 5 wherein said means (a) to utilize includes:

~~(8a1)~~ (i) means to record the state of the soaker application when it is closed by the operating system by recording the frame count of the [[MPG]] digital movie in MPEG format being played for input.

13. (currently amended) The system of claim[[s]] 5 wherein said means (a) to utilize a soaker application [[a)] includes:

~~(9a1)~~ (ii) means to record in a system registry whether said soaker application was shut down by a user, by the operating system, or by some other cause.

14. (currently amended) The system of claim 13 which includes:

~~(10a1)~~ (iii) means to query said system registry upon a re-launch to find the reason the soaker application program was closed and to re-open said [[MPG]] MPEG movie format to the recorded frame position where it had previously been stopped.